

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Revision No.700 of 2015 (O&M)

Date of decision: 26th February, 2015

Nachhatar Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Preetinder Singh Dhaliwal, Advocate,
for the petitioners.

INDERJIT SINGH, J.

Petitioners have filed the instant revision petition against respondents-State of Punjab etc. under Section 401 Cr.P.C., challenging the impugned order dated 10.12.2014, passed by the learned Additional Sessions Judge, Sangrur.

It is stated in the petition that the learned Additional Sessions Judge, Sangrur, has committed a grave illegal error vide order dated 10.12.2014 in summoning the petitioners on the application under Section 193 Cr.P.C. to face the trial under Sections 302, 427, 34, 120-B IPC whereas there is no evidence on record to connect the petitioners with the crime.

I have heard learned counsel for the petitioners and have gone through the record.

The petitioners have been named in the FIR which was registered on the statement of Harbhajan Singh. It is a double murder case. As per the allegation, Joginder Singh was driving the Balero Car and the petitioners were sitting in the said vehicle and were raising 'lalkara' etc. The learned trial Court while deciding the

application under Section 193 Cr.P.C., has considered the statement of complainant Harbhajan Singh, Saudagar Singh, Avtar Singh son of Teja Singh, Isher Singh, Avtar Singh son of Mukand Singh, Nirmal Singh and Makhan Singh. The motive of the occurrence was that the legs of Amar Singh, the main accused, were earlier broken in some other occurrence. Perusal of the impugned order dated 10.12.2014 nowhere shows that any illegality has been committed by the Court below while passing it. The mere fact that in the inquiry, police found that these persons were not present at the spot etc., is the defence version of the accused and they are to prove the defence of alibi by appearing in the Court.

From the above discussion, I find that no illegality has been committed by the learned Court below while passing the impugned order.

Therefore, finding no merit in the present petition, the same is dismissed.

26th February, 2015
mamta

(INDERJIT SINGH)
JUDGE